



AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING SECTION 16.28.130 "PRELIMINARY PLAT-EXPIRATION OF APPROVAL-CONDITIONS" AND SECTION 16.28.140 "FINAL PLAT-SUBDIVISION FOR APPROVAL REQUIRED-COPIES-FEES." PROVIDING FOR THE EXTENSION OF A PERIOD FOR PRELIMINARY PLAT EXPIRATION AND FINAL PLAT APPROVAL

WHEREAS, the State legislature has amended Chapter 58.17, providing an extension for the period for completion of a final plat after a preliminary plat approval, in response to the delays in residential developments caused by the downturn of the economy; and

WHEREAS, it is necessary to bring the City procedure for preliminary and final plat approval into conformity with these changes in State law.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. That Section 16.28.130 entitled "Preliminary plat - Expiration of approval - Conditions" of the Sunnyside Municipal Code, shall be and hereby is amended and shall read as follow:

16.28.130 Preliminary plat - expiration of approval - conditions.

A. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of such time period, or unless the ninety (90) day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

A.B. Approval of preliminary plats of proposed subdivisions shall expire five (5) three years from the date of City Council approval thereof if approved on or after January 1, 2015. Approval of preliminary plats of subdivisions on or before December 31, 2014 shall expire seven (7) years from the date of City Council approval. Approval of preliminary plats of subdivisions on or before December 31, 2007, where the project is not subject to RCW 90.58, shall expire ten (10) years from the date of City Council approval. The Council may, upon application of the developer subdivider, at least 60

days prior to such expiration, grant an extension for a maximum period of one year from the expiration date. There shall be only one one-year extension granted to the subdivision under this act.

B.C. Any extension of time granted pursuant to this section shall be conditioned upon the proposed subdivision's meeting all subdivision requirements in effect on the date that such extension is granted.

C.D. Phasing will be allowed to permit orderly growth. Each phase must be a complete subdivision by itself and not be dependent upon future phases with respect to streets, access, utilities, etc. The number of lots that shall be included in each phase shall be determined upon the feasibility of the particular phase. [Ord. 1396 § 1, 1983; Ord. 1257 § 2, 1980.]

Section 2. That Section 16.28.140 entitled "Final plat - Subdivision for approval required – Copies – Fees." of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

16.28.140 Final plat- subdivision for approval required – copies – fees.

A. A final plat of a proposed subdivision shall be submitted for approval by the City Council by filing the proposed final plat with the City Manager's office within the expiration time periods for preliminary plats as set forth in SMC 16.28.130. ~~one year from the date of approval of the preliminary plat or within the time prescribed by any extension granted by the City Council.~~

B. Each final plat submitted for approval shall be accompanied by one mylar reproducible drawing of the subdivision, 10 copies thereof, and a current title certificate.

C. Each final plat shall be subject to a fee to cover the expense of plan review and inspection. The fee shall be one-half of one percent of the estimated cost of required improvements, based upon the estimated construction costs. Field inspection will be provided by the subdivider during construction under the supervision of a licensed professional engineer registered in the State. The engineer supervising inspection shall submit a certificate of compliance with approved plans of construction on all improvements to be deeded to the City, including water, sewer, streets, drainage, etc.

D. Each application for final plat shall be accompanied by a subdivision agreement, which shall include the estimated costs of all required improvements. The subdivision agreement shall be a legally executed document prior to final plat approval.

Section 3. That Section 16.28.180 entitled "Final plat - Approval." of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

16.28.180 Final plat – approval.

A. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

~~A.~~B. Approval of subdivision agreement shall be by the City Council.

~~B.~~C. The City Council shall review the final plat during the public hearing and shall approve the final plat if the Council determines that the final plat conforms to the conditions of preliminary plat approval, that the final plat meets the requirements of this chapter, and that the public use and interest will be served by the subdivision; provided, that no plat shall be approved by the Council for any land situated in a flood-control zone as provided by Chapter 86.16 RCW without prior written approval by the Washington State Department of Ecology.

~~C.~~D. Upon approving the final plat, the City Council shall authorize the Mayor to sign the final plat. [Ord. 1257 § 2, 1980.]

Section 4. This Ordinance shall take full force and effect five days after its approval, passage and publication as required by law.

PASSED this 10th day of October, 2016.


JAMES A. RESTUCCI, MAYOR

ATTEST:


DEBORAH ESTRADA, CMC, CITY CLERK

APPROVED AS TO FORM:


KERR LAW GROUP
Attorneys for the City of Sunnyside

SUMMARY OF ORDINANCE 2016 - 12

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SUNNYSIDE, WASHINGTON, AMENDING SECTION 16.28.130
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APPROVAL**

Date Approved: October 10, 2016

Signatories: Jim Restucci, Mayor
 Deborah Estrada, City Clerk

Publish: October 14, 2016 ***Daily Sun News***

A copy of the complete text of the Ordinance is available upon request to the City Clerk,
Sunnyside City Hall, 818 East Edison Avenue, Sunnyside, Washington 98944.